

Application No. 09/595,804  
Amendment dated January 12, 2004  
Reply to Office Action of November 12, 2003

### **REMARKS**

Claims 1, 9, 11-12, 18, and 21 stand rejected under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,964,162 to McAdam et al. (hereinafter, called "McAdam"). By this Amendment, claims 1, 12, 15, 18, and 21 are amended without adding any new subject matter. Claim 1 calls for a method of broadcasting television programming including broadcasting audio and video signals using a cyclic prefix as a guard interval while spacing subcarriers adjacent to corresponding frequencies. Support for this limitation may be found on page 14, lines 1-12 and on page 15, lines 4-14 in the Applicants specification.

As amended, claim 1 is not anticipated by the McAdam reference. In particular, the McAdam reference fails to teach use of a cyclic prefix as a guard interval and spacing subcarriers adjacent to corresponding frequencies, as now claimed in claim 1. Accordingly, the Examiner is respectfully requested to consider allowance of claim 1 and claims depending therefrom.

As amended, claim 12 calls for a television transmitter comprising a broadcaster to use a cyclic prefix as a guard interval while spacing subcarriers adjacent to corresponding frequencies. Again, teaching of the broadcaster element of the television transmitter claimed in claim 1 to use a cyclic prefix as a guard interval and closely space subcarriers to each other's frequency is absent in the McAdam reference. Accordingly, reconsideration of section 102(b) rejection of claim 12 is respectfully requested. Likewise, the television receiver of claim 18 now includes a demodulator coupled to the decryption stage to demodulate a carrier using cyclic prefix as a guard interval while spacing subcarriers adjacent to corresponding frequencies. For the similar reasons as indicated above in the context of claim 12, claim 18 is in condition for allowance.

Claims 2-8, 10, 13-17, 19-20 stand rejected under 35 U.S.C. § 103(a) over McAdam in view of U.S. Patent No. 5,416,801 to Chouly et al. (hereinafter, "Chouly"). Claim 2 calls for a method of claim 1 wherein modulating a carrier with the digitally encrypted audio signal includes using orthogonal frequency division multiplexing to form symbols. The Examiner admits that the McAdam reference does not teach claim 2 limitations. The Chouly reference

Application No. 09/595,804  
Amendment dated January 12, 2004  
Reply to Office Action of November 12, 2003

does mention use of an orthogonal frequency division multiplexing. However, use of orthogonal frequency division multiplexing to form symbols is not taught by the Chouly reference. The Chouly reference simply teaches a modulator, which operates according to an orthogonal carrier frequency-division multiplexing technique.

Accordingly, claim 2 is not rendered obvious to one of ordinary skill in the pertinent art based on the teachings of the McAdam and Chouly references whether considered alone or together. Absent a *prima facie* case of obviousness, claim 2 is patentably distinguishable over the cited art. In this manner, the Examiner is respectfully requested to reconsider § 103 rejection of claim 2. The Examiner is requested to reconsider the rejections of all the pending claims.

In view of these amendments and remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,



Date: January 12, 2004

---

Sanjeev K. Singh under 37 C.F.R. §10.9(b)  
Registration No. 28,994  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Suite 100  
Houston, Texas 77024  
(713) 468-8880 [Phone]  
(713) 468-8883 [Fax]

Customer No.: 21906